

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KING DRUG COMPANY OF FLORENCE., INC, <u>et al.</u> ,	:	CIVIL ACTION
	:	
Plaintiffs,	:	
v.	:	No. 2:06-cv-1797
	:	
CEPHALON, INC., <u>et al.</u> ,	:	
	:	
Defendants.	:	
<hr/>		
VISTA HEALTHPLAN, INC., <u>et al.</u> ,	:	CIVIL ACTION
	:	
Plaintiffs,	:	
v.	:	No. 2:06-cv-1833
	:	
CEPHALON, INC., <u>et al.</u> ,	:	
	:	
Defendants.	:	
<hr/>		
APOTEX, INC.,	:	CIVIL ACTION
	:	
Plaintiff,	:	
v.	:	No. 2:06-cv-2768
	:	
CEPHALON, INC., <u>et al.</u> ,	:	
	:	
Defendants.	:	

**DEFENDANT CEPHALON, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT
AGAINST PLAINTIFFS' CLAIMS OF AN OVERALL CONSPIRACY AMONG ALL
DEFENDANTS**

Pursuant to F.R.Civ.P. 56, Defendant Cephalon, Inc. hereby moves for partial summary judgment in the above-captioned actions with respect to Plaintiffs' claims that there was an overall conspiracy among all the Defendants to suppress generic competition.

The grounds for this motion are set forth in the Memorandum in Support of Defendant Cephalon, Inc.'s Motion For Partial Summary Judgment Against Plaintiffs' Claims Of An

Overall Conspiracy Among All Defendants, Statement of Undisputed Facts and Exhibits thereto,
and Declaration of Mark A. Ford.

Dated: September 20, 2013

Respectfully submitted,

s/ James C. Burling
James C. Burling
Peter A. Spaeth
Mark A. Ford
WILMER CUTLER PICKERING
HALE AND DORR LLP
60 State Street
Boston, MA 02109
(617) 526-6000
(617) 526-5000

John A. Guernsey
Nancy J. Gellman
CONRAD O'BRIEN PC
1500 Market Street
Centre Square, West Tower, Suite 3900
Philadelphia, PA 19102
(215) 864-9600
(215) 864-9620

Counsel for Defendant Cephalon, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, the foregoing Defendant Cephalon, Inc.'s Motion For Partial Summary Judgment Against Plaintiffs' Claims Of An Overall Conspiracy Among All Defendants was electronically filed pursuant to the Court's CM/ECF system, and the document is available for downloading and viewing from the CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the CM/ECF system.

/s/ Nancy J. Gellman
Nancy J. Gellman

Dated: September 20, 2013